

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-2389

United States of America,

Appellee,

v.

Eulogio Martinez-Arellano, also
known as Angel Arteaga,

Appellant.

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Appeal from the United States
District Court for the District
of Minnesota.

[UNPUBLISHED]

Submitted: March 4, 2004

Filed: March 11, 2004

Before MORRIS SHEPPARD ARNOLD, FAGG, and SMITH, Circuit Judges.

PER CURIAM.

Eulogio Martinez-Arellano pleaded guilty to conspiring to distribute and possess with intent to distribute in excess of 500 grams of a mixture containing methamphetamine, in violation of 21 U.S.C. § 846. The district court¹ assessed a 2-level role enhancement and sentenced Mr. Martinez-Arellano to 168 months imprisonment and 5 years supervised release.

¹The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota.

On appeal, Mr. Martinez-Arellano contests the role enhancement and argues that his sentence should be vacated because of misconduct by his public defender. After careful review of the record, we conclude that the district court did not clearly err in determining Mr. Martinez-Arellano's role in the offense warranted a 2-level enhancement. See U.S.S.G. § 3B1.1(c) (2-level increase if defendant was organizer, leader, manager, or supervisor in any criminal activity); United States v. Johnson, 47 F.3d 272, 277 (8th Cir. 1995) (standard of review). We also conclude that Mr. Martinez-Arellano's claim regarding misconduct by his public defender is not properly before us. See United States v. Hughes, 330 F.3d 1068, 1069 (8th Cir. 2003).

Accordingly, we affirm.
